IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 223 OF 1996

The Commissioner of Income-tax,
Bombay City-XI, Bombay. ...Applicant
V/s.
M/s.K.M. Khimsaria. ...Respondent

Mr.Ashok Kotangle for Applicant.
None for Respondent.

CORAM : V.C. DAGA AND
A.S. AGUIAR, JJ.

DATED : JULY 5, 2005.

P.C. :-

. By this reference under Section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following questions of law for the opinion of this Court :-

> "1. Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the assessee is entitled for a deduction for expenses @ 40% of incentive bonus/commission received from L.I.C. by the assessee who is a Development Officer?"

. The above question is covered by the decision of this Court in the case of **Commissioner of Income Tax V/s. Gopal Krishna Suri (2001) 248 ITR, 819.** The question referred, therefore, is answered in favour of the revenue and against the assessee. Reference, accordingly, stands disposed of with no order as to costs.

(A.S. AGUIAR, J.) **(V.C. DAGA, J.)**